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SIPDIS

DEPT FOR AF/E, AF/RSA, PM, S/CT  
DEPT PASS TO FAA CORNELIA HUNTER

SIPDIS

E.O. 12958: N/A  
TAGS: [EWWT](#) [EAIR](#) [PTER](#) [PGOV](#) [MASS](#) [KE](#)  
SUBJECT: Transport Ministry Seeks Cooperation on Somalia  
Piracy, U.S. Seeks Embassy Airspace Security

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11. (SBU) Summary: Kenya Transport Ministry Permanent  
Secretary Ikiara told the DCM December 7 that Kenya seeks

SIPDIS  
an international response to piracy off the Somali coast,  
and may call a meeting of concerned nations to coordinate.  
Ikiara will chair an interagency meeting next week to  
determine any technical issues related to our recent  
request to close the Embassy's airspace as a means to  
minimize the risk of aerial attack. He warned that  
conditioning continued assistance under the Safe Skies  
program on an Article 98 agreement could result in more  
resentment toward the U.S. Ikiara welcomed our coastal and  
port security assistance, but asked for equipment to screen  
passengers and vehicles on ferries. End summary.

12. (U) DCM, Naval Attache and Econoff met with Ministry of  
Transport Permanent Secretary (PS) Gerrishon Ikiara, and  
officials from the Kenya Maritime Authority, Kenya Port  
Authority, the MFA, and the Transport Ministry to discuss  
Somalia coast piracy, Embassy airspace security, port and  
coastal security, and the Safe Skies for Africa (SSFA)  
program.

Somalia Piracy: Kenya Will Seek International Support  
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13. (SBU) Ikiara said Somalia coast piracy is a major  
concern for the GOK. He welcomed the unanimous support for  
the IMO resolution. Now that his staff have returned from  
the IMO meeting in London, GOK agencies will decide how to  
best obtain maximum international cooperation and support  
for addressing the problem. Ikiara claimed that focusing  
international attention had already caused the Somali  
warlords behind the piracy to cut it back. He opined that  
revenue was the goal of the piracy, but that the warlords  
were finding that scaring away cargo ships was costing more  
than they earned from the ransoms.

14. (SBU) Ikiara planned to propose to other agencies that  
Kenya host a meeting of concerned countries and  
international organizations to develop a common  
international approach and see what each could do to ensure  
safety of the sea, since Kenya has no capacity to patrol  
waters off Somalia. He hoped that the U.S. and others  
could provide information to help identify and spot the  
pirates. DCM said we would attend such a meeting to see if  
there was a way we could help, but stressed the need to  
invite technical experts from other concerned countries.  
She noted that any initiative should not target the Somali  
people, and the need to cooperate with international  
partners in any operations in international waters off

Somalia. DCM also noted the sensitivity of Somali territorial waters.

¶15. (SBU) DCM also pointed out that the U.S. is not involved in the contract the Somali Transitional Federal Government (TFG) had allegedly signed with U.S. firm Top Cat Marine, to provide coastal patrols. It also seems unlikely the TFG has the financial resources for such a contract. NavAtt noted we have no information on whether the firm can or has delivered any products or services. KPA said it had no information on Top Cat, and neither did the Somali maritime representative in Nairobi.

#### Embassy Airspace Security: GOK to Review Request

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¶16. (SBU) DCM recalled the 2003 plot to attack the Embassy with an aircraft and said the continuing threat was the basis for the Embassy's request for the GOK to prohibit the airspace above our compound to aircraft below 9,000 feet. Ikiara acknowledged the KCAA had no objection to the proposal and said he had invited agencies including the military, Ministry of Internal Security, MFA and intelligence agencies to a meeting next week to determine if there were any technical issues to address. He noted the potential impact on operations at Moi Air Force Base, and the DCM offered to help work out any technical issues.

#### Port and Coastal Security; Give us More Aid

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¶17. (SBU) After reviewing our plans to refurbish or provide patrol boats for the police for coastal and harbor patrols, the DCM noted that our Anti-Terrorism Assistance and Coast Guard visitors planned to visit Mombasa and Lamu the following week to consult with local officials on the International Ship and Port Security (ISPS) program

implementation. Ikiara welcomed the boats and said it should be possible to go forward with the meetings in Mombasa. He acknowledged that a World Bank-funded contractor did an assessment of KPA's implementation of ISPS, but did not agree to provide a copy of the report. Kenya Maritime Authority said it is still in the process of training and hiring staff and obtaining the equipment it needs, and asked for assistance in equipping its new IMO search and rescue center in Mombasa. Ikiara claimed the Kenya Ferry Services carries 7 million passengers/year, and that the GOK was concerned about the potential threat to these services and passengers. He would welcome a proposal to provide screening equipment that could swiftly check people and vehicles for explosives before boarding a ferry.

#### Safe Skies; Need Article 98 Agreement for Continued Funding

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¶18. (SBU) DCM reviewed the assistance the U.S. had provided under the SSFA program and explained that Congress had conditioned funding in FY 05 and FY 06 for such programs on the signing of an Article 98 Agreement. She noted the FAA had just informed the Embassy that SSFA programs in Kenya would run out of funds soon, and that she wanted the Ministry to be aware. Once the new Cabinet was appointed, we hoped the GOK would consider signing an Article 98 agreement. Ikiara replied that he had not followed the Article 98 debate because it was the MFA's responsibility. He cautioned that conditioning aid on a particular issue could trigger public resentment against tied aid and "unreasonable" requests from donors. He admitted the Kenyan media may have created misperceptions of the Article 98 issue.

#### Comment

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¶19. (SBU) Ikiara hopes that drawing enough international attention and pledges to address piracy off the Horn of Africa will make it go away. If not, the GOK will look to

the U.S. and other countries to take action because Kenya has no capacity to do so, while still respecting Somalia's sovereignty. Ikiara appeared supportive of the request to close the Embassy's airspace, but made no commitment. Ikiara was taken aback by the linkage of the Article 98 Agreement to continued funding for SSFA, and it is not clear whether he will advocate for signing an Agreement.

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